

IHSS Public Authority Advisory Board Meeting
September 15, 2015
MINUTES

Members Present: Deane Denney, Janie Whiteford, JoAnn Disbrow, Theresa Wright, Dennis Schneider, Terri Possley (ex-officio), Robert Stroughter, Ellen Rollins

Members Absent: Senon Hernandez

PA Staff Present: Mary Tinker, Leticia Sabadin

Guests Present: Leigh Monichon, Special Education Consultant-Aspire Advocacy & IHSS IP; Victoria Krivtsova, IHSS IP; David Gatesy, (Theresa Wright's son), Potential AB Member & IHSS Consumer

Announcements & Public Comment: Janie Whiteford distributed flyers regarding UC Berkeley researchers who are conducting focus groups with people in Santa Clara County who have recently enrolled in Cal MediConnect health plan. The purpose is to learn about their experiences with this new plan and to improve the program.

Janie Whiteford also distributed presentation notes "The Role of Advisory Committees, How to Maximize Their Effectiveness, and Working with Your Public Authority" that was presented at the CICA Conference by Charles Calavan.

Leigh Monichon made a comment and complaint regarding Advance Pay with IHSS. She is having issues. Mary Tinker advised her to contact Terri Possley. Deane Denney stated that in his experience, advance pay does not work as well with the new CMIPS system. Terri Possley said that the advance pay program is complex and difficult for most consumers, they have been having issues with it.

Approve Minutes: August 18, 2015 meeting minutes were not available at this time. Motion by Robert Stroughter to defer August 18 minutes to next meeting approval, seconded by Ellen Rollins, vote was unanimous.

CAPA Report: Mary Tinker reported CAPA met August 27 in Sacramento. Mary distributed a California Healthline flyer "Department of Labor to Delay Enforcement of Home Care Worker Pay Rule". The DOL announced that although the overtime rule was to take effect October 13, 2015 it would delay enforcement at least 30 days following the court ruling.

FLSA: At the time of the August CAPA meeting the Governor's direction to the Administration is FLSA would only be implemented if/when required. Labor's perspective at that time was that the case would be picked up by the US Supreme Court.

The Supreme Court's new session begins October 1, 2015. They receive approximately 10,000 requests but only accept a total of 80. It may take 90 days after the new session begins to determine if they will accept the case or not.

However, the DOL announced 30-day FLSA non-enforcement period. DOL Secretary Thomas Perez sent a letter to the nation's Governors encouraging states to take immediate steps to come into compliance with the rule. It also states that states should bear in mind the implications on the American's with Disabilities Act and the Olmstead ruling that any state compliance plans may invoke.

The DOL clarified that for 30 days after the Court's mandate (expected in mid-October), it will not take enforcement actions. After this grace period, DOL intends to exercise prosecutorial discretion in enforcement actions until December 31, contingent on states making good faith efforts to come into compliance with the rule. They will begin full enforcement next year.

CAPA Election of Officers: CAPA initiated its nominating committee to begin preparations for the election of officers. The office of President, Secretary and Treasurer are scheduled for elections this fall. Mary Tinker was nominated for the office of President and is running unopposed for a third term.

C4A Conference: CAPA will hold its November meeting in Los Angeles at the C4A conference and will provide two workshops for conference participants.

ADA25 Conference: CAPA has been asked to provide a workshop on IHSS and Public Authorities at this conference. A day-and a half long disability community-driven conference exploring access under the first 25 years of the Americans with Disabilities Act (ADA) and the road ahead for the next generation CAPA's workshop concept is under development at this time.

CICA Request to CDSS: CICA has requested training on the timesheet changes for Blind and Visually Impaired consumers. Hafida Habek will be working on this project and set something up in a few months. The number one priority is to provide social workers training on this change first.

Legislation: The legislature finished all regular session business before it on Friday, September 11. The Governor now has until October 11 to take action (by signing, vetoing, or allowing to become law without his signature) on all bills which made it all the way through the process to his desk.

The legislature did not take action on many of the big ticket items before it in the two special sessions called by the Governor. Of particular note was the failure on the part of the Legislature to reach a deal on the MCO tax. Failure to come to agreement on this issue prior to the end of FY 2016, will result in a loss of \$1.1 billion in federal matching funds—which must be made up somehow.

One item of particular interest which the legislature did take action was the special session version of the “death with dignity” bill. AB X2 15 (Eggman) passed the legislature (A: 44-35; S: 23-15) on September 11, and is awaiting action by the Governor.

Below, please find information on many of the bills which CAPA has been tracking this session:

AB 43 (Stone): Personal Income Taxes: Credit: Earned Income: *This bill was held under submission in Senate Appropriations Committee.*

AB 67 (Gonzalez): Double Pay on the Holiday Act of 2015: *This bill was placed on the Assembly inactive file, at the request of the author, on June 8, 2015.*

AB 97 (Weber): In-Home Supportive Services: Provider Wages: This is a UDW sponsored bill which would require the Department of Social Services (DSS) to reprogram the Case Management Information Payrolling System (CMIPS II), the current In-Home Support Services (IHSS) payroll system, to enable it to receive payment from managed care health plans for the additional personal care service and related domestic service hours. *This bill passed out of both houses of the Legislature, and was enrolled to the Governor on September 8, 2015. It is now awaiting action by the Governor.*

AB 211 (Gomez): In-Home Supportive Services: Current law requires the California In-Home Supportive Services Statewide Authority no sooner than March 1, 2013, to assume specified responsibilities in a county upon notification by the Director of Health Care Services that the enrollment of eligible Medi-Cal beneficiaries described in specified provisions of law has been completed in that county. Under current law, the date of assumption of these responsibilities by the Statewide Authority is known as the county implementation date. This bill would, instead, make the implementation date January 1, 2016, would delete the reference to the "county" implementation date, and would make conforming changes. *This bill was placed on the Senate Floor Inactive File at the request of Senator Galgiani on September 2, 2015.*

AB 470 (Chu): In-Home Supportive Services: Fingerprinting: This bill is our CAPA sponsored bill to address problems of delay in completion of provider background checks we’ve been experiencing. The bill was substantially amended in order to get the bill off of the Assembly Appropriations Suspense File. The bill, as originally drafted, would have authorized Department of Justice to capture and expend monies to undertake obligations associated with IHSS provider background checks. The bill was amended to require DOJ and CDSS to jointly develop protocols to better ensure the timely completion of background checks. *This bill is currently in the possession of Senate Human Services Committee and is a two-year bill. Karen and I are working on scheduling a follow up working group meeting with all of the parties, in addition to legislative staff. We are hopeful to have this meeting in November, thereby enabling us to make any necessary changes to the bill prior to moving forward in 2016.*

AB 1436 (Burke): In-Home Supportive Services: Authorized Representative: This is one of our co-sponsored bills, which we are co-sponsoring with CWDA. The bill would authorize an

applicant for, or recipient of, in-home supportive services to designate an individual to act as his or her authorized representative for purposes of the In-Home Supportive Services program. The bill would define an authorized representative to mean an individual who is appointed in writing, on a form designated by the State Department of Social Services, by a competent person who is an applicant for or recipient of in-home supportive services, to act in place or on behalf of the applicant or recipient for purposes related to the program. ***This bill passed out of both houses of the Legislature, and was enrolled to the Governor on September 11, 2015. It is currently awaiting action by the Governor.***

AB 1518 (Committee on Aging and Long Term Care): This bill seeks to require the Department of Health Care Services (DCHS) to apply for an additional 5,000 slots beyond those currently authorized for the home-and-community-based Nursing Facility/Acute Hospital Waiver in 2016-17. Further, the bill seeks to require DCHS to annually calculate the need for additional slots thereafter, and seek federal approval to add those slots to this waiver. ***This was not taken up for a vote on the Senate Floor this year, and hence is a two year bill.***

SB 3 (Leno): Minimum Wage: Adjustment: Would increase the minimum wage, on and after January 1, 2016, to not less than \$11 per hour, and on and after July 1, 2017, to not less than \$13 per hour. The bill would require, commencing January 1, 2019, the annual automatic adjustment of the minimum wage to maintain employee purchasing power diminished by the rate of inflation during the previous year. The adjustment would be calculated using the California Consumer Price Index, as specified. This bill contains other related provisions. ***This bill was held under submission by the Assembly Appropriations Committee.***

SB 36 (Hernandez): Current law provides for a demonstration project under the Medi-Cal program until October 31, 2015, to implement specified objectives, including better care coordination for seniors and persons with disabilities and maximization of opportunities to reduce the number of uninsured individuals. This bill would require the State Department of Health Care Services to submit an application to the federal Centers for Medicare and Medicaid Services for a waiver to implement a demonstration project that, among other things, continues the state's momentum and successes in innovation achieved under the demonstration project described above. ***This bill passed out of both houses of the Legislature and was enrolled to the Governor on September 11. It is currently awaiting action by the Governor.***

SB 38 (Liu): Personal Income Taxes: Earned Income Credit: This is the Senate version of the Earned Income Tax Credit bill which Would, for taxable years beginning on or after January 1, 2015, in modified conformity with federal income tax laws, allow a refundable earned income credit to an eligible individual that is equal to the earned income tax credit allowed by federal law in an amount determined by the earned income tax credit adjustment factor as determined in the annual Budget Act. ***This bill is scheduled to be heard in Assembly Revenue and Taxation Committee in July, but the hearing was cancelled at the request of the author. This is now a two year bill.***

SB 128 (Wolk): End of Life: Would enact the End of Life Option Act authorizing an adult who meets certain qualifications, and who has been determined by his or her attending physician to be suffering from a terminal disease, as defined, to make a request for a drug prescribed pursuant to these provisions for the purpose of ending his or her life. The bill would also establish the procedures for making these requests. ***Until AB 2X 15 was enrolled to the Governor, this was thought to be a two year bill. Depending on what action the Governor takes on AB 2X 15, this bill may either continue to be a two year bill, or it may morph into something else altogether.***

SB 199 (Hall): In-Home Supportive Services: Reading Services for the Blind and Visually Impaired: This is one of CAPA's co-sponsored bills. The bill would, commencing January 1, 2017, include within the definition of supportive services up to 2 hours per month of assistance in reading and completing financial and other documents for a recipient of services under the IHSS program who is blind. By expanding the scope of available services under the IHSS program, this bill would impose a state-mandated local program. The bill would also require the Director of Health Care Services to seek any federal approvals necessary to ensure that Medicaid funds may be used in implementing this provision. ***This bill passed out of both houses of the Legislature, and was enrolled to the Governor on September 3, 2015. The bill is currently awaiting action by the Governor.***

SB 272 (Hertzberg): The California Public Records Act: Local Agencies: Requires local agencies, by July 1, 2016, to create a catalog of their enterprise systems, make the catalog publicly available, and post the catalog on their Internet Web sites. ***The author of the bill agreed to take amendments to address the concerns we shared with a large coalition of local government partners. Accordingly, the coalition decided to withdraw its "oppose unless amended" position and adopt a "neutral" position. This bill was enrolled to the Governor on September 9, 2015, and is currently awaiting action by the Governor.***

SB 492 (Liu): Coordinated Care Initiative: Would make legislative findings and declarations relating to the Coordinated Care Initiative (CCI) and the availability of consumer protections for beneficiaries. The bill would require, no later than July 1, 2016, the Department of Health Care Services to develop and post on the department's Internet Web site, an educational and informational guide to assist consumers and patients in understanding the rights afforded to them under the CCI and how to effectively exercise those rights. ***Interestingly, while this bill did pass both houses of the Legislature, and move on to the Governor's Desk, the author, after receiving information that the Governor intended to veto the bill, decided to pull the bill back and make it a two year bill.***

Programs Reports:

Benefits Administration: There were 9,521 IPs enrolled in the Valley Health Plan with 7,751 of those in the Classic Plan and 1,770 in the Preferred Plan. There were 10,096 IPs enrolled in the Dental/Vision plans during the month of August. There were 280 Eco Pass Clipper Cards issued.

Enrollment Session:

Number of IPs in August: 382

Provider Group Enrollment Orientation Sessions: PA staff provides two, one hour orientation sessions every Friday immediately followed by a 30 minute presentation by the union. Meetings are scheduled every Friday 9:00 am and 2:00 pm at the Zanker Road union office facility. The PA Enrollment website is updated regularly to reflect current dates/times orientations are offered. These sessions continue to go well with 50 or more participants at each session, some have been as high as 75.

Registry Services: There are 531 active IPs on the registry.

The registry:

- Completed 69 new consumer intakes
- Attained 86 matches
- Provided 421 interventions

Urgent Care Registry authorized 19 hours of service for the month of August.

Care Coaching: The Registry received 22 referrals for Care Coaching in the month of August. Referrals came primarily from APS and IHSS, none from the health plans. Of the 22 referred cases, only 11 were assigned a Care Coordinator, some were not appropriate for Care Coaching, others declined and requested a list of workers instead and some never returned calls.

PA Training Activities: Training schedules were mailed to 19,765 IPs mid-August with 83 sessions offered throughout various parts of the county. The fall schedule includes new sessions in Milpitas, San Jose, and Morgan Hill. The PA has gone from one training location to 12 different sites. An electronic version of the fall training schedule is available on the PA website at: www.pascc.org under the training tab.

Feedback from IPs calling in to register for classes has been positive and expressing appreciation for the expanded classes and locations.

Work is underway to develop a Fall Prevention class in partnership with the Santa Clara County Public Health Department.

A new post session quiz has been created as a tool to help evaluate how effective the training sessions are—is the information being understood and absorbed by the IPs. At this time the quizzes will not be graded or have any effect on certificate achievement. Instructors will begin administering these quizzes in the Morgan Hill and Santa Clara Adult Education locations during the fall class semester.

IP Trainings Provided: Public Authority offered no classes in August. The next session of classes started September 1st.

California IHSS Consumer Alliance Report (CICA): Janie Whiteford reported that the scheduled CICA call is Wednesday, September 16th at 10am. All AB members are encouraged to attend the call. Bandy Wolf will be on the call and her topic is the re-organization of SEIU locals to 2015. On the agenda for this topic: what new SEIU will look like, what is in store for the future, locations, etc. State wide Public Authorities are bargaining.

Report from Social Services Agency: Terri Possley reported that IHSS submitted their report to the Children, Families and Seniors Committee. There has been improvement in completing re-assessments; they have increased 12% from last year coming more into compliance with state regulations. They were able to achieve a bump in the statewide ranking system for each county.

Overtime August to September should improve it even more. The goal is to have 80 percent completed by December.

The new Supervisor started on August 31 and he is in the process of hiring staff for the new unit. There is a lead Social Worker who is responsible for training 7 staff members.

The new Application Readiness Supervisor, working under Kingston Lum, Inesa Christie has a start date of October 5, 2015. She is currently working in IHSS, speaks Russian and has a medical background. She no longer will be doing social work out in the field.

Terri also announced that they are in week 3 of the new telework pilot. Twenty staff per week, some are picking it up faster than others, most are happy with it. However not everyone is eligible, they must be high performers. The IHSS I.T. Department is setting up each of the Social Workers' home with computers/laptops and accessibility so they can work from home if needed. They will also have access to CMIPS II remotely.

Top priority now is for IHSS to be paperless by July 2016. All hardcopy files are being scanned to prepare for this transition.

Next Meeting: As mentioned in the meeting, we will go dark for the month of October, No Meeting. **Per AB members' agreement, we will move this meeting to November 10th and the start time will be 1:00 pm.**

The next meeting of the Advisory Board is scheduled for **Tuesday, November 10, 2015 from 1:00 pm – 3:00 pm**, at the Sourcewise main office located at 2115 The Alameda, San Jose, CA. 95126.